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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,664	02/23/2004	Kimothy C. Levia	6083P2770	2326

23504 7590 10/10/2006

WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE, AZ 85251

EXAMINER

NICOLAS, FREDERICK C

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,664

Applicant(s)

LEVIA, KIMOTHY C.

Examiner

Frederick C. Nicolas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/23/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

I- The limitation "said flexible bladder" in claim 1, line 3 and in claim 16, line 4.

There is insufficient antecedent basis for this limitation in claims 1 and 3.

II- Claim 7 recites the limitation "said seal" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4,6-10,13,16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rai et al. 5,551,606.

Rai et al. disclose a vehicle fluid delivery apparatus as seen in Figure 1, which comprises in combination a flexible vehicle fluid container/bladder (12), vehicle fluid located in the flexible bladder (col. 2, ll. 20-29), a first nozzle (10) coupled to the flexible bladder and permitting the vehicle fluid to exit the flexible bladder and a hose (50)

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coupled at a first end thereof to the first nozzle, d delivery apparatus of Claim 1 wherein said flexible vehicle, a cap (38), a bayonet tip (22), the first nozzle is sealed as seen in Figure 1 and please note that the sealed container (12) within the nozzle forms "a sealed", the seal is plastic (col. 2, ll. 20-22), an attachment (21).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rai et al. 5,551,606 in view of Powell 2,087,780.

Rai et al. have taught all the features of the claimed invention except that a valve to regulate flow out of the flexible fluid container. Powell teaches the use of a valve (28) to regulate flow out of a flexible container (14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Powell's valve onto the hose of Rai et al., in order to control the flow out the container, as taught in Figure 3 of Powell.

7. Claims 11-15,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rai et al. 5,551,606 in view of Gatzke 2003/0015554.

Rai et al. have taught all the features of the claimed invention except that the hose has a second nozzle. Gatzke teaches the use of a hose (44) having a second nozzle (48) at a second end, wherein the second nozzle is adapted to positioned

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proximate a vehicle fluid fill opening (col. 5, paragraph [0089], an attachment device (58).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Gatzke's second nozzle onto the second end of the nozzle of Rai et al., in order to provide a nozzle that is attachable to an air-intake system of an internal combustion engine for introducing an engine cleaner composition into the air system.

Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Gatzke's attachment device onto the device of Rai et al., in order to suspend the device from inside of a hood.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sundholm 2,526,708, Hillyard 1,939,980, Norris 2,377,261, McMillan 5,921,443, Jimenez 5,072,762, Jean-Claude Etter et al. 3,288,332, Alligood, Jr. 3,667,464, Reddy et al. 6,561,383 and Varney 6,892,907 disclose other types of fluid delivery apparatus.

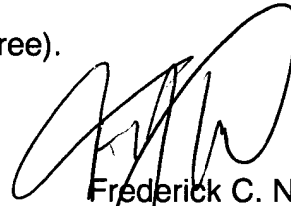
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
September 29, 2006



9/30/06

Frederick C. Nicolas
Primary Examiner
Art Unit 3754